



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

2

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,849	12/18/2001	Gerad Pucheu-Marque	28944/40018	6145

29471 7590 06/11/2007
MCCRACKEN & FRANK LLP
200 W. ADAMS STREET
SUITE 2150
CHICAGO, IL 60606

EXAMINER

HALIYUR, VENKATESH N

ART UNIT	PAPER NUMBER
----------	--------------

2616

MAIL DATE	DELIVERY MODE
-----------	---------------

06/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/024,849	PUCHEU-MARQUE, GERAD	
	Examiner	Art Unit	
	Venkatesh Haliyur	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-11 in the amendment filed on 3/20/2007 have not been amended. Therefore the amendment of 07/19/2006 has been considered in this office action.
2. Rejection of claims communicated via previous office action of 11/16/2006 has been withdrawn. A new ground(s) of rejection has been made with newly found reference Grilli et al. Rejection follows.
3. Claims 1-11 are pending in the application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Grilli et al [US Pat: 6,438,117].

Regarding claims 1, 8, 10, Grilli et al in the invention of "Base Station Synchronization for Handover in a Hybrid GSM/CDMA Network" disclosed a method **(Figs 4A-4C)** for allocating radio resources for the establishment of an outgoing call originating from a mobile terminal **(MS, item 40 of Fig 4B)** of a first system for radio communications **(CDMA BSS, item 32 of Fig 4B)** with mobiles having a given radio interface and a mutual help channel **(pilot + synch)**, via a base station of a second system **(GSM BSS, item 30 of Fig 4B)** for radio communications with mobiles said second system **(GSM/TDMA)** being distinct from said first system **(CDMA, col 16, lines 61-67, col 17, lines 1-15)**, and said first and second systems comprising respective terminals and base stations and having respective radio interface which are mutually incompatible, wherein the base station carries out the steps of **(col 3, lines 61-67, col 4, lines 1-61)**: a) monitoring said mutual help channel **(pilot beam)** of the first system **(col 22, lines 37-67)**; and b) in case of detection, by the base station, of a given pattern **(mapped)** transmitted by the mobile terminal on said mutual help channel, allocating a traffic channel emulating the radio interface of the first system, for communication with the mobile terminal **(col 23, lines 1-31)**.

Regarding claims 2, 9, 11, Grilli et al disclosed that the given pattern is transmitted periodically by the mobile terminal on the mutual help channel **(pilot beam)** with a first periodicity, **(col 22, lines 37-45)** and wherein step a) comprises: monitoring said mutual help channel during given periodic timeslots; measuring the power level at the

frequency of said mutual help channel during said given periodic timeslots (**col 23, lines 48-65**); if this power level is greater than a given threshold (**best of the average power levels**), assigning a control logical channel dedicated to searching for the given pattern on the said mutual help channel (**col 17, lines 58-65**), the timeslots of said control logical channel having a second periodicity which is not proportional to said first periodicity (**col 18, lines 43-56**); and monitoring said mutual help channel during the timeslots of said control logical channel, while taking into account the characteristics (**predetermined criteria**) of the radio interface of the first system (**col 18 lines 16-42, col 22, lines 46-62, col 27, lines 27-67**)

Regarding claim 3, Grilli et al disclosed that said given periodic timeslots consist of at least some of the timeslots of a broadcasting logical channel set up on a downlink control physical channel specific to the base station (**col 3, lines 33-52**).

Regarding claim 4, Grilli et al disclosed that the mobile terminals of the second system are silent (**idle**) during said given periodic timeslots (**col 3, lines 1-32**).

Regarding claims 5, Grilli et al disclosed that the given pattern is a synchronization sequence inserted periodically into the frame of a traffic physical channel of the first system (**col 2, lines 31-40, col 3, lines 17-32**).

Regarding claims 6-7, Grilli et al disclosed that the allocation of the traffic channel is automatic (**soft handover, col 18, lines 3-11, col 21, lines 1-15**) and the allocation of the traffic channel is controlled by an operator (**col 22, lines 5-11**).

Response to Arguments

6. Applicant's arguments, see remarks filed on 03/20/2007 with respect to rejection of claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached @ (571)-272-7493. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 10/024,849

Page 6

Art Unit: 2616

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

W 05/31/07

Wing Chan
6/6/07
WING CHAN
SUPERVISORY PATENT EXAMINER